



# Chapter 313 Annual Eligibility Report Form

**Form 50-772**  
(May 2010)

2010

Tax Year covered in this report

Clyde CISD

School district name

Post Oak Wind Farm

Project Name

808 Travis St., Ste 700 Houston, TX 77002

Company Address

.3597

I&S Tax Rate

Post Oak Wind, LLC

Company Name

Dennis Wycoff, Property Tax Manager

Company Contact Information

1.04

M&O Tax Rate

NOTE: This form must be completed by an authorized representative of each approved applicant and each entity with property subject to the limitation agreement. It must be submitted to the school district by May 15th of every year using information from the previous tax (calendar) year. For limitation agreements where there are multiple company entities that receive a part of the limitation provided by the agreement: 1) each business entity not having a full interest in the agreement should complete a separate form for their proportionate share of required employment and investment information; and, 2) separately, the school district is required to complete an Annual Eligibility Report that provides for each question in this form a sum of the individual answers from reports submitted by each entity so that there is a cumulative Annual Eligibility Report reflecting the entire agreement.

15625535719

Texas Taxpayer ID of Applicant

November 23, 2005

Date of Agreement Approval

2006

First complete tax year of the qualifying time period

2008

First tax year of the limitation

32003192591

Texas Taxpayer ID Reporting Entity (if appropriate)

Mesquite Wind, LLC

Original Applicant Name

2007

Last tax year of the qualifying time period

\$5,000,000

Amount of the limitation at the time of application approval

## QUALIFIED PROPERTY INFORMATION

\$201,931,520

Market Value

\$201,931,520

I&S Taxable Value

\$2,500,000

M&O Taxable Value

Is the business entity in good standing with respect to Tax Code, Chapter 171?

(Attach printout from Comptroller Web site: <http://www.window.state.tx.us/taxinfo/coasintr.html>)

☒ Yes ☐ No

Is the business entity current on all taxes due to the State of Texas?

☒ Yes ☐ No

Is the business activity of the project an eligible business activity under Section 313.024(b)?

☒ Yes ☐ No

Please identify business activity: Renewable energy electric generation

What was the application review start date for your application (the date your application was determined to be complete)?  
(This question must only be answered for projects with applications approved after June 1, 2010.)

n/a

How many new jobs were based on the qualified property in the year covered by this report? (See note on page 3.)

29

What is the number of new jobs required for a project in this school district according to 313.021(2)(A)(iv)(b), 313.051(b), as appropriate?

10

If the applicant requested a waiver of minimum jobs requirement, how many new jobs must the approved applicant create under the waiver?

n/a

80 percent of New Jobs (0.80 x number of new jobs based on the qualified property in the year covered by this report.)

24



What is the minimum required annual wage for each qualifying job in the year covered by the report? ..... \$28,300

For agreements executed prior to June 19, 2009, please identify which of the two Tax Code sections is used to determine the wage standard required by the agreement: §313.021(5)(A) or §313.051(b). For agreements executed after June 19, 2009, please identify which of the four Tax Code sections is used to determine the wage standard required by the agreement: §313.021(5)(A), §313.021(5)(B), §313.021(3)(E)(ii), or §313.051(b). ..... 313.051(b)

Attach calculations and cite (or attach) exact Texas Workforce Commission data sources. .... See attached

How many qualifying jobs (employees of this entity and employees of a contractor with this entity) were based on the qualified property in the year covered by the report? ..... 29

Of the qualifying job-holders last year, how many were employees of the approved applicant? ..... 2

Of the qualifying job-holders last year, how many were employees of an entity contracting with the approved applicant? ..... 27

If any qualifying job-holders were employees of an entity contracting with the applicant, does the approved applicant or assignee have documentation from the contractor supporting the conclusion that those jobs are qualifying jobs? ..... ☐ NA ☒ Yes ☐ No

**THE FOLLOWING QUESTIONS APPLY ONLY TO APPROVED APPLICANTS WITH AGREEMENTS THAT REQUIRE THE APPROVED APPLICANT TO PROVIDE A SPECIFIED NUMBER OF JOBS AT A SPECIFIED WAGE.**

How many qualifying jobs did the approved applicant commit to create in the year covered by the report? ..... n/a

At what annual wage? ..... n/a

How many qualifying jobs were created at the specified wage? ..... n/a

**ENTITIES ARE NOT REQUIRED TO ANSWER THE FOLLOWING FIVE QUESTIONS IF THE YEAR COVERED BY THE REPORT IS AFTER THE QUALIFYING TIME PERIOD OF THEIR AGREEMENT.**

What is the qualified investment expended by this entity from the beginning of the qualifying time period through the end of the year covered by this report? ..... n/a

Was any of the land classified as qualified investment? ..... ☐ Yes ☐ No

Was any of the qualified investment leased under a capitalized lease? ..... ☐ Yes ☐ No

Was any of the qualified investment leased under an operating lease? ..... ☐ Yes ☐ No

Was any property not owned by the applicant part of the qualified investment? ..... ☐ Yes ☐ No

**THE FOLLOWING QUESTIONS MUST BE ANSWERED BY ENTITIES HAVING A PARTIAL INTEREST IN AN AGREEMENT.**

What was your limitation amount (or portion of original limitation amount) during the year covered by this report? .....

Please describe your interest in the agreement and identify all the documents creating that interest.

Mesquite Wind LLC, the original property owner, assigned part of its interest in the value limitation agreement to Post Oak Wind, LLC via an assignment agreement executed by Mesquite Wind, LLC, Post Oak Wind, LLC and Clyde CISD on October 10, 2006. Pursuant to that assignment, both Mesquite and Post Oak have been jointly responsible for fulfilling the requirements of the agreement, including the maintenance of the required number of new jobs and qualifying jobs. Mesquite will report 50% of such jobs on this Form 50-772 and Post Oak will report the remaining 50% on its separately filed Form 50-772. Mesquite and Post Oak split the \$5 million value limitation under the agreement, with each entity responsible for paying M&O property tax to Clyde CISD on \$2,500,000 of property value.



NOTE: For job definitions see TAC §9.1051(14) and Tax Code, §313.021(3). If the agreement includes a definition of "new job" other than TAC §9.1051(14)(C), then please provide the definition "new job" as used in the agreement.

Notwithstanding any waiver by the district of the requirement for the creation of a minimum number of new jobs, or any other job commitment in the agreement, Tax Code 313.024(d) requires that 80 percent of all new jobs be qualifying jobs.

**APPROVAL.**

*"I am the authorized representative for the Company submitting this Annual Eligibility Report. I understand that this Report is a government record as defined in Chapter 37 of the Texas Penal Code. The information I am providing on this Report is true and correct to the best of my knowledge and belief."*



Signature

**Dennis Wycoff**

Printed name of authorized company representative

**Property Tax Manager**

Title

**5/12/11**

Date

**CONTACT INFORMATION FOR AUTHORIZED REPRESENTATIVE****808 Travis St., Ste 700, Houston, Texas 77002**

Address

**(713) 356-2454**

Phone

**dennis.wycoff@horizonwind.com**

E-mail



## TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

SUSAN COMBS • COMPTROLLER • AUSTIN, TEXAS 78774

May 3, 2011

### CERTIFICATE OF ACCOUNT STATUS

THE STATE OF TEXAS  
COUNTY OF TRAVIS

I, Susan Combs, Comptroller of Public Accounts of the State of Texas, DO  
HEREBY CERTIFY that according to the records of this office

**POST OAK WIND, LLC**

is, as of this date, in good standing with this office having no franchise tax  
reports or payments due at this time. This certificate is valid through the  
date that the next franchise tax report will be due May 16, 2011.

This certificate does not make a representation as to the status of the  
entity's registration, if any, with the Texas Secretary of State.

This certificate is valid for the purpose of conversion when the converted  
entity is subject to franchise tax as required by law. This certificate is not  
valid for any other filing with the Texas Secretary of State.

GIVEN UNDER MY HAND AND  
SEAL OF OFFICE in the City of  
Austin, this 3rd day of  
May 2011 A.D.

A handwritten signature in black ink, reading "Susan Combs", is positioned above the printed name and title.

Susan Combs  
Texas Comptroller

Taxpayer number: 15625535719  
File number: 0800570992

Form 05-304 (Rev. 12-07/17)

ATTACHMENT C

**Mesquite Wind LLC and Post Oak Wind LLC's Calculation of the  
Minimum Required Annual Wage for Qualifying Jobs\***

SHACKELFORD COUNTY MANUFACTURING WAGE INFORMATION

Year	Quarter	Average Weekly Wage
2004	4th Quarter	\$563
2005	1st Quarter	\$436
2005	2nd Quarter	\$453
2005	3rd Quarter	\$527

$$563 + 436 + 453 + 527 = 1,979$$

$$1,979 / 4 = 494.75$$

$$494.75 \times 1.1 = 544.225$$

$$544.225 \times 52 = 28,299.7$$

Thus, to the nearest dollar, the minimum required annual wage is \$28,300.

\*Please note that when Mesquite and Post Oak's amended application was submitted in November 2005, § 313.051(b) required qualifying jobs under Chapter 313 subchapter C to pay 110% of the manufacturing wage in the county, not the region.

## Quarterly Employment and Wages (QCEW)

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Year	Period	Area	Ownership	Division	Level	Ind Code	Industry	Avg Weekly Wages
2004	4th Qtr	Shackelford County	Private	31	2	31-33	Manufacturing	\$563

## Quarterly Employment and Wages (QCEW)

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Year	Period	Area	Ownership	Division	Level	Ind Code	Industry	Avg Weekly Wages
2005	1st Qtr	Shackelford County	Private	31	2	31-33	Manufacturing	\$436
2005	2nd Qtr	Shackelford County	Private	31	2	31-33	Manufacturing	\$453
2005	3rd Qtr	Shackelford County	Private	31	2	31-33	Manufacturing	\$527